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Attorneys for Defendant
GE TRANSPORTATION SYSTEMS GLOBAL
SIGNALING, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO BAY AREA RAPID TRANSIT DISTRICT, Plaintiff, vs. GE TRANSPORTATION SYSTEMS GLOBAL SIGNALING, LLC, and DOE 1 through DOE 100, inclusive, Defendants.	Case No. C 06 3749 JSW **[PROPOSED] ORDER GRANTING PLAINTIFF LEAVE TO FILE SECOND AMENDED COMPLAINT** Complaint Filed: June 13, 2006 Trial Date: Not set

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ORDER GRANTING LEAVE TO AMEND / Case No. C
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1   Having considered the Stipulation to Withdraw Motion to Dismiss or, In the Alternative,

2 For More Definitive Statement submitted by Defendant GE TRANSPORTATION SYSTEMS

3 GLOBAL SIGNALING, LLC ("GE") and Plaintiff SAN FRANCISCO BAY AREA RAPID

4 TRANSIT DISTRICT ("BART"), and for good cause appearing therefore, IT IS HEREBY

5 ORDERED THAT:

6   1.   BART shall have leave to amend in order that it may file a Second Amended

7 Complaint for the sole purpose of omitting its allegations of fictitious defendants;

8   2.   BART's Second Amended Complaint must be filed no later than

9 December 22, 2006;

10   3.   BART's Second Amended Complaint shall contain no new allegations against GE,

11 shall name no parties not named in the Amended Complaint, and may differ from the Amended

12 Complaint only with respect to the deletion of Paragraph 3, reformatting and, should BART

13 desire, correction to the numbering of its existing Counts; and

14   4.   GE will not file any Rule 12 motion challenging such Second Amended Complaint

15 and must file an answer to the Second Amended Complaint no later than 30 days from the date

16 that it is served upon GE.

17   **IT IS SO ORDERED.**

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20 DATED: December 18, 2006

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JEFFEREY S. WHITE

21 UNITED STATES DISTRICT JUDGE

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